

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

BRADLEY BERNARD COBURN
TX-1337863-L

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DOCKETED COMPLAINT NO. 11-039

AGREED FINAL ORDER

On this the 7th day of JANUARY, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Bradley Bernard Coburn, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Bradley Bernard Coburn neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Bradley Bernard Coburn is a state licensed real estate appraiser who is or was licensed during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. Respondent appraised real property located at 100 S Jackson Street, Wylie, Texas ("the property") on or about February 11th, 2008.
4. On or about October 6, 2010, a staff-initiated complaint was filed based on allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.
5. On or about October 7, 2010, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- (a) Respondent failed to maintain a work file containing all data, information, and documentation necessary to support his analyses, opinions and conclusions;
- (b) Respondent incorrectly reported the current owner of record for the property;
- (c) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, and market area trends and failed to provide support in his work file for the conclusions he made in the neighborhood section of his report;
- (d) Respondent incorrectly reported the property's zoning as "single family" when it is actually "Downtown Historic District", which allows both commercial and residential uses;
- (e) Respondent failed to provide a brief summary of his determination of the property's highest and best use. Given the property's presence in an area transitioning from residential to commercial use in which the zoning permits either use, a detailed analysis of this dynamic and its impact on market value was crucial, but lacking in the report;
- (f) Respondent failed to observe the highest standards of professional ethics to include conduct, management, confidentiality, and record keeping in completing his appraisal assignment;

7. Respondent omitted material facts and made material misrepresentations in the appraisal report for the property as detailed above.

8. The parties enter into the following consent order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping

provisions); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iv) & 2-2(b)(iv); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-1(a); 1-1(b); and 1-1(c).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE §1103.458.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Highest and Best Use;
- c. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing; and,
- d. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for licensure or certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's license pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

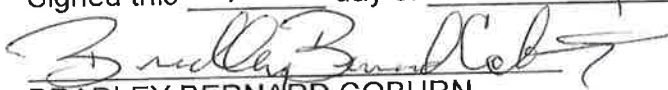
ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final

Order which he has defaulted on and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.


THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

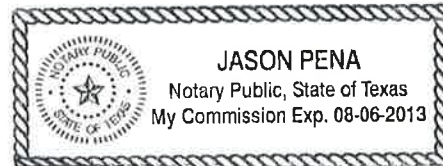
Signed this 7th day of JANUARY, 2011.


BRADLEY BERNARD COBURN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 7th day of JANUARY, 2011, by BRADLEY BERNARD COBURN, to certify which, witness my hand and official seal.


Notary Public Signature



Notary Public's Printed Name



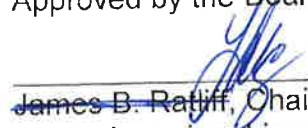
Signed by the Standards and Enforcement Services Division this 18th day of February, 2011.


Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 18th day of February, 2011.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 18th day of February, 2011.


James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board